

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRACY VANDERHOEF, ET AL.,

Plaintiffs,

22-mc-15 (JGK)

- against -

ORDER

CHINA AUTO LOGISTICS INC., ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

Lead plaintiffs Zhengyu He, Harold Brooks Moss, and Andrew Pagliara brought this miscellaneous action for an order to compel non-party Marcum Bernstein & Pinchuk LLP to comply with a subpoena for documents served by the plaintiffs in a civil matter then pending in the District of New Jersey. No. 22-mc-15, ECF No. 1; see also Vanderhoef v. China Auto Logistics Inc., No. 18-cv-10714 (D.N.J. filed June 5, 2018). On January 20, 2022, this Court referred this action to Magistrate Judge Cott for general pretrial purposes. No. 22-mc-15, ECF No. 6. On July 13, 2022, the plaintiffs advised Magistrate Judge Cott that the parties in the underlying action had reached a settlement in principle and that, once the formal settlement papers were executed, the plaintiffs would promptly inform the Court and dismiss this action as moot. No. 22-mc-15, ECF No. 23. Magistrate Judge Cott then denied the motion to compel as moot,

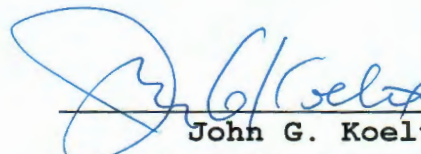
"without prejudice to its reinstatement should circumstances require it." ECF No. 25.

The plaintiffs have not advised whether the formal settlement papers have been executed, but it appears that the underlying action was voluntarily dismissed on August 12, 2022. No. 18-cv-10714 (D.N.J.), ECF No. 141. It therefore would appear that this subpoena enforcement action is moot. Accordingly, this action is discontinued with prejudice but without costs. By **Friday, May 26, 2023**, counsel for the plaintiffs may apply by letter to this Court for restoration of the action, in which event the action will be restored.

All pending motions are dismissed as moot. All conferences are canceled. The Clerk of Court is directed to close this case.
SO ORDERED.

Dated: New York, New York
April 26, 2023

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John G. Koeltl
United States District Judge